

### **EXAMINER AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Justin Karjala on 01/18/2009.

The application has been amended as follows:

Claims 1-43, 45-65, 68, 69, 71, 72 and 74-93 are cancelled.

44. The method of claim 94, wherein said detecting is performed using at least one detection reagent selected from the group consisting of detection reagents comprising the nucleotide sequences of SEQ ID NO: 49745, SEQ ID NO: 49746, and SEQ ID NO: 49747.

66. The method of claim 94, further comprising providing a report of the identity of said polymorphism.

67. The method of claim 94, further comprising providing a report of said human's risk for developing RF-positive rheumatoid arthritis.

70. The method of claim 67, wherein the report further shows the identity of said polymorphism.

73. The method of claim 66, wherein the report is computer readable medium form.

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94. A method of determining whether a human has an increased risk for RF-positive rheumatoid arthritis, comprising:

a) detecting in nucleic acid from said human the presence of at least one T allele at a polymorphism in the *PTPN22* gene at position 101 of SEQ ID NO: 36673, or at least one A allele at position 101 of the complement of SEQ ID NO: 36673; and

b) correlating the presence of said T allele or said A allele with said human having said increased risk for RF-positive rheumatoid arthritis.

95. The method of claim 94, wherein said correlating is performed by computer software.

96. The method of claim 94, wherein said nucleic acid is a nucleic acid extract from a biological sample from said human

97. The method of claim 96, wherein said biological sample is blood, saliva, or buccal cells.

98. The method of claim 96, further comprising preparing said nucleic acid extract from said biological sample prior to said detecting.

99. The method of claim 98, further comprising obtaining said biological sample from said human prior to said preparing.

100. The method of claim 94, wherein said detecting comprises nucleic acid amplification.

101. The method of claim 100, wherein said nucleic acid amplification is carried out by polymerase chain reaction.

102. The method of any one of claims 94 to 101, wherein said detecting is performed using sequencing, 5' nuclease digestion, molecular beacon assay, oligonucleotide ligation assay, size analysis, single-stranded conformation polymorphism analysis, or denaturing gradient gel electrophoresis (DGGE).

103. The method of any one of claims 94 to 101, wherein said detecting is performed using an allele-specific method.

104. The method of claim 103, wherein said allele-specific method is allele-specific probe hybridization, allele-specific primer extension, or allele-specific amplification.

105. The method of claim 103, wherein said allele-specific method detects said T allele or said A allele.

106. The method of claim 94 which is an automated method.

107. The method of claim 94 wherein said human is homozygous for said T allele or said A allele.

108. The method of claim 94 wherein said human is heterozygous for said T allele or said A allele.

2. The following is an examiner's statement of reasons for allowance:

With the amendments to the claims as detailed in this Office Action the rejection of claims under 35 USC 112 2<sup>nd</sup> paragraph as set forth on page 2 of the Office Action of

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06/26/2009, and the rejections of claims under 35 USC 112 1<sup>st</sup> paragraph as set forth on pages 2-3 and 3-8, are **WITHDRAWN**.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN KAPUSHOC whose telephone number is (571)272-3312. The examiner can normally be reached on Monday through Friday, from 8am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Nguyen can be reached on 571-272-0731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Kapushoc/  
Primary Examiner, Art Unit 1634